

SEC. 3. *And be it further enacted,* That the said freeholders, if they or a majority of them find that the making or repairing of said fence is for the mutual advantage and protection of both parties, shall apportion to each his just portion thereof and mark and bound the same, and shall make out their award in writing, under their hands and seals, verified by affidavit, require the recusant party to make or repair his part of said fence by a day to be specified in their award, and also giving their estimate of the cost of making or repairing said fence, and shall deliver a copy of said award to each party interested, or his agent, tenant or other representative.

SEC. 4. *And be it further enacted,* That each freeholder who shall be called upon to act under the preceding Section of this sub-title of this Article shall be entitled to two dollars and fifty cents per day for his services, to be paid by the party aggrieved, and recoverable by him as costs if the award of the examiners provided in Sections 2 and 3 be in his favor and so provided.

SEC. 5. *And be it further enacted,* That if either of the parties keeping a joint fence between arable lands shall refuse or delay to repair his proportion thereof within twenty days after the award made or given to him or his agent as aforesaid, upon proof thereof before a justice of the peace, the justice may, under his hand and seal; authorize the party aggrieved to repair the fence, and for so doing he shall be reimbursed all costs and reasonable expenses necessarily incurred by him in and about the same, to be recovered from the party so refusing or delaying in the manner debts of like amounts are recoverable; and said costs and expenses shall be first lien on the adjacent land or farm of the person who shall have refused or delayed to make and repair the fence, provided the proceedings to enforce such lien shall be begun in the Circuit Court for Montgomery County in equity by the party in whose favor said lien may be, or by his personal representative, within twelve months after such repair shall have been done; and the said Court is hereby vested with full jurisdiction in the premises, which jurisdiction shall be exercised as in the enforcement of liens in other cases in equity.

SEC. 6. *And be it further enacted,* That if any person having an interest in any joint division fence shall fail to make or keep in repair his part thereof, he shall not be entitled to any damages on account of any trespass through said part of stock